

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

George Stewart, on behalf of himself §
and others similarly situated, §
§
Plaintiff, §
§
v. § Case No. 5:23-cv-00007-H
§
Texas Tech University Health §
Sciences Center, et al. §
§
Defendants. §

DEFENDANTS' UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE U.S. DISTRICT JUDGE JAMES WESLEY HENDRIX:

Defendants Texas Tech University Health Sciences Center (“TTUHSC”), Lori Rice-Spearman, John C. DeToledo, Felix Morales, Louis Perez, and Monica Galindo (collectively, “Defendants”) file this Unopposed Motion for Continuance, respectfully requesting the Court to continue the discovery deadline, dispositive motion deadline, and trial setting in this case for the following reasons:

Plaintiff originally filed this suit against not only TTUHSC and some of its employees, but also a myriad of other defendants. ECF No. 1. The Court recently either (1) dismissed or (2) severed and transferred Plaintiff’s claims against those other defendants. ECF No. 57 at 57–58. The Court also dismissed Plaintiff’s sex discrimination claims against the TTUHSC Defendants. *Id.* at 57. This left only Plaintiff’s race discrimination claims against only the TTUHSC Defendants. Plaintiff

subsequently filed an amended complaint, naming new Defendants (individuals sued in their official capacities as employees of TTUHSC). ECF No. 60. Those newly constituted TTUHSC Defendants recently appeared and filed their answer on August 30, 2024. ECF No. 62.

Under the previously issued Scheduling Order, the discovery deadline is currently January 7, 2025; the dispositive motion deadline is February 7, 2025; and trial is set for June 9, 2025. ECF No. 52 at 1.¹

Counsel for Defendants will be on medical leave beginning in mid-October (approximately October 10) and likely continuing through the end of the calendar year. This medical leave is due to reasons that were unknown in the Fall of 2023, when the parties filed their Joint Report Regarding Contents of Scheduling Order (ECF No. 46), and when the Court shortly thereafter issued its Scheduling Order (ECF No. 52). Defendants respectfully request a continuance of the discovery deadline, the dispositive motion deadline, and the trial setting (with its related pre-trial deadlines) until after Defendants' trial counsel has returned from medical leave and has had a meaningful opportunity (in the new year) to complete the remaining necessary discovery and prepare for dispositive motions and trial.

Accordingly, Defendants request the Court to continue the discovery deadline in this cause until May 9, 2025; to continue the dispositive motion deadline until June

¹ After the newly named TTUHSC Defendants filed their answer, the Court reissued an Amended Scheduling Order with the same deadlines, adding further provisions regarding a jury charge, voir dire, and motions in limine. ECF No. 63.

9, 2025; and to reset the trial date for October 6, 2025 or the Court's earliest convenient date thereafter.

Counsel for Defendants has communicated with counsel for Plaintiff regarding this requested continuance, and Plaintiff is unopposed. Pursuant to Local Rule 40.1, this motion is also signed by a duly authorized representative of TTUHSC (with authority to sign on behalf of all other Defendants, who are named solely in their official capacities). This continuance is not sought merely for delay, but for good cause and in the interest of justice.

CONCLUSION & PRAYER

For the foregoing reasons, Defendants respectfully request this Court to continue the discovery deadline, the dispositive motions deadline, and the trial setting (with related pre-trial deadlines) in this cause, and to extend each of these dates by approximately four months.

Respectfully submitted.

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

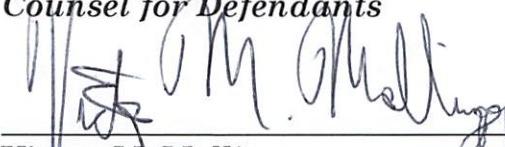
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Counsel for Defendants


Victor M. Mellinger
Associate Vice Chancellor, Deputy General
Counsel, and Executive Director of Litigation
On behalf of TTUHSC and all Defendants
named in their official capacities

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2024, and again on September 14, 2024, I communicated with Jonathan Mitchell, counsel for Plaintiff, regarding the relief requested in this motion, and Plaintiff is not opposed.

/s/ Benjamin S. Walton
BENJAMIN S. WALTON
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2024, a true and correct copy of this document was electronically filed using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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